

North Smithfield Zoning Board of Review
February 12, 2013, 7:00 pm
Kendall Dean School
83 Green Street, Slatersville, RI

The Chair called the meeting to order at 7:00 pm.

1. Roll Call

Present: Chair Bill Juhr, Steve Scarpelli, Scott Martin, Paul Pasquariello, Mario DiNunzio, Vincent Marcantonio Also present were Building Official Bob Benoit and Assistant Solicitor Stephen Archambault

2. Disclosure of no compensation or pension credits received by the board members.

3. Reorganization of the Board--election of officers.

Mr. Scarpelli nominated Mr. Juhr as Chair. Mr. Martin seconded the nomination. No other nominations were made. All members voted yes. The Chair of the Board for 2013 will be William Juhr.

Mr. DiNunzio nominated Mr. Scarpelli as Vice Chair. Mr. Juhr seconded the nomination. No other nominations were made. All members voted yes. The Vice Chair of the Board for 2013 will be Steven Scarpelli.

Mr. DiNunzio nominated Mr. Martin as Secretary. Mr. Juhr seconded the nomination. No other nominations were made. All members voted yes. The Secretary of the Board for 2013 will be Scott Martin.

4. Approval of minutes, October 9, 2012

Mr. Martin made a motion to approve the minutes of October 9, 2012. Mr. Scarpelli seconded the motion, with all in favor.

5. Application of Ed Construction, Inc. (Edward Whipple), requesting a two-family dwelling, per section 5.4.2, subsection 3 of the Zoning Ordinance, which requires the granting of a special use permit. Locus is 519 Douglas Pike, Plat 18, Lot 29. Zoning District: RA-65.

The applicant, Edward Whipple, was sworn in by the stenographer. He explained his request, which is to convert a 4-bedroom home into a 2-family dwelling, with one-bedroom in each unit. This is a rental property and he would like to rent to single or couples, but since it is currently a 4-bedroom house, large families are the most likely tenants. The house is on 27 acres of land with a driveway that does allow emergency vehicle access.

The following exhibits were entered into the record:

P1) application, with letter dated 9/25/12, letter from Building Official dated 10/15/12, two pages from the Zoning Ordinance, 2 pages from the application, dated 12/11/12

P2) abutters list dated December 2012

P3) radius map dated December 2012

The Chair asked about the septic system on the property. Mr. Whipple stated that he had recently installed 2 beehive chambers, which he said would accommodate the 2-family home. Mr. Benoit stated that he does not have anything on file about the septic system and he doesn't know when it was installed. There is no DEM paperwork on file. Mr. Whipple said that he installed the system on his own. He added that he has contacted DEM about getting some test holes done on the property. He is also working with Marc Nyberg on the engineering. Mr. Benoit suggested that Mr. Whipple get some documentation on the septic system. He said that he had suggested to the applicant that he go to DEM before coming before the Zoning Board. The Chair said he would be more comfortable discussing this application with the septic approval in hand. He said that there is not enough information for the Board to make a decision at this time. He recommended that Mr. Whipple get the documentation from DEM and coming back before the Board when this additional evidence is available.

Mr. Scarpelli made a motion to continue the hearing to May 14, 2013. Mr. DiNunzio seconded the motion, with all in favor.

The Chair asked if there were any members of the public here to speak about the application. There were none, but the Chair left the public hearing open in case anyone comes to the next meeting.

6. Application of Narragansett Electric Company d/b/a National Grid, requesting a dimensional variance from section 5.5, subsection 5.5.1, height variance. Locus is North Smithfield to Burrillville Line. Zoning Districts: REA, RA, RS, BN, and M.

Attorney Peter Lacouture was present for the applicant. Project manager David Beron was sworn in by the stenographer. Mr. Beron presented a Powerpoint presentation outlining the details of the project. A print copy of this presentation was submitted to the Board as exhibit P5. National Grid is constructing 75 miles of new lines as part of a 3-state project. This application is part of the Energy Facilities Siting Board Process. The Zoning Board of Review will vote on the granting of a dimensional variance for height, and this vote will go into the application brought before the siting board. Additional presentations were made before the Town Council and the Planning Board. Other state and local agencies will add advisory opinions as part of the complete application.

The following exhibits were entered into the record:

P1) Application dated 9/24/12, which includes plat and lot numbers, attachment to application dated 9/24/12, a 6-page description of the project.

P2) Letter to the Zoning Board from Robinson & Cole, LLP dated 10/15/12

P3) Application packet, a 10-page document (12 pages including cover sheet and table of contents), dated 7/19/12 and marked with docket # SB-20102-01

P4) Notice of Designation, dated 10/12/12

P5) Printed copy of Powerpoint presentation, 10 pages/20 slides

P6) Abutters list

P7) Abutters map

P8) Project drawings, dated July 2012, marked project # 60147352-8

P9) Real Estate Survey report, 2/12/13, prepared by Thomas Sweeney

After the presentation, Mr. Lacouture addressed the standards for relief. He stated that the hardship is the compliance with the requirements of the Zoning Ordinance for height, not a result of the applicant's prior actions or financial gain. Mr. Beron stated that it is not possible to build a 345v line to comply with the ordinance. Above-ground heights of the towers vary, with the objective to minimize environmental impact. Spacing is used to avoid wetlands and other sensitive areas. Mr. Lacouture explained that denying the variance would be more than a mere inconvenience, referencing the presentation that showed the background of the project, explained the regional need, the potential overload areas, and the reliability exposure if the line is not updated.

The Chair asked how high the old towers were and asked for comparison with the proposed new towers. Mr. Beron stated that the old towers average 75'-80' and the new ones are higher, at an average of 85'-90'. Some are as low as 60' and others are over 100', because the height varies with span length. The tower placement is designed around resource areas. Height also varies depending on locale and topography. The old towers will be removed and in general the new ones will be located within 10'-15' of the old ones. Mr. Scarpelli clarified that the height variance is the only issue the Board is voting on. Mr. Lacouture stated this was correct--the Board has a narrow question before them, in relation to the entire project. The height is the only area that requires a variance from the Zoning Ordinance.

Mr. Marcantoni asked about EMF (electromagnetic field) and asked if the location of the towers in the right of way affected the levels. Mr. Beron stated that part of the design is to arrange the wires to reduce levels. The proposed project will have no significant change from current conditions. The Rhode Island Department of Health will give an advisory opinion on this matter to be included in the application to the siting board. The Chair stated that it is not in the Board's purview to decide based on EMF or soil erosion or other issues. Mr. Beron stated that the siting board takes a holistic view of the entire application and that there is ample opportunity for public comment.

Real estate appraiser Thomas Sweeney was sworn in by the stenographer. He explained his educational and work background to the board. At this time, Mr. Beron also gave his educational and professional qualifications to the Board. Mr. Sweeney submitted his report to the Board and gave a summary of his findings. He stated that the area is predominately residential area. The existing corridor has been used since the 1960s, with an easement that has been in service for years. The proposed towers are designed in order to get the least relief necessary, and any clearing and widening of the corridor will occur within the existing easement.

The Chair opened the public hearing at 8:20 pm.

Two abutters, Dina Finnegan and Paula Patton, of Mountain Road were sworn in by the stenographer. They expressed their concerns about the placement of the towers, which they said would make a huge impact on the neighborhood. Ms. Finnegan stated that there will be a tower located 38' from her house. The Chair asked Mr. Archambault if the Board could listen to their testimony since the Board is only considering the height variance. Mr. Archambault stated that the Board will be deciding on the height variance, which will be put in an advisory opinion to be submitted to the siting board. He said that the Board could listen to the abutters' testimony. Mr. Lacouture explained the siting board process to the Board and stated that they will grant or deny this request, which will then be sent to the siting board as an advisory opinion. This decision will be appealed to the siting board, not superior court.

Ms. Finnegan pointed out her property on P8 and also showed the Board some pictures she had prepared showing existing conditions and her rendering of what the property would look like with the proposed towers constructed. Mr. Lacouture questioned whether these pictures should be accepted as evidence. The Chair stated that he was inclined not to accept them since they are not documented. He said he would take the abutters' testimony but not enter the exhibits.

Ms. Patton stated that she was originally told that the poles would be monopoles, approximately 50'-80' high. She said the proposed towers are H-frame, ranging from 80'-100'. She said that her house is 15' high, so the towers will highly impact the property. She questioned the placement in relation to her driveway and her swimming pool. She also expressed concerns about the EMF and the increase in voltage. She is concerned that her property value will greatly decrease. Ms. Finnegan added her concern about the proximity of the poles to her well and septic system. Ms. Patton stated that the clearing of trees will negatively affect the sound barrier for Route 146 and that there is no landscaping to block a 100' tower. Ms. Finnegan asked if the lines could go underground. Ms. Patton asked that someone who does not work for National Grid come out and assess the conditions.

Marguerite Girard, another resident of Mountain Road, questioned whether the disturbance of the ledge would necessitate new wells. She asked how deep the poles went into the ground. Mr. Beron said that they go 10% of the height plus an additional 4'. Mr. Scarpelli asked Mr. Beron about the heights of the poles (150, 151, 152) that will affect this neighborhood. Mr. Beron said they will be 90.5', 72.5', and 68' tall. Ms. Patton asked if they could be placed in a different spot to lessen the impact.

Ms. Finnegan said that this neighborhood is the most impacted by the project and that she has contacted National Grid and not gotten a timely response. The Chair asked if there was anyone from National Grid present who could speak about mitigation of these concerns. Mr. Beron said that the process includes a very rigorous alternatives analysis which will be present to the siting board. The proposed route is what has been determined to be the most effective and with the least environmental impact. He stated that with underground lines, substations will be needed at the point that they enter then emerge from underground, which will add a tremendous increase in cost to the project. Mr. Marcantonio asked if they might agree to buy some of the properties, and added that this is just a view problem. Ms. Girard stated that it is not just a matter of the view, but that they are concerned with safety due to electrocution, runoff problems due to clearing of vegetation, and many other concerns. Ms. Finnegan stated that no one has offered to purchase the property.

The Chair thanked Ms. Finnegan for the pictures and asked her to label them so he could take them as an abutter document. Mr. Lacouture asked if he could see these documents and asked if he could get copies. He also stated that there is no foundation for the simulations depicted in these documents. He added that there has been substantial outreach to abutters and that serious discussions have been held with a number of abutters on moving poles. He also said that there is a landscape budget for screening of the base of the structure. He said that National Grid is more than willing to discuss the concerns with the abutters.

Margaret Neves of National Grid's stakeholders relations department stated that she has met with Ms. Patton and discussed landscaping. She said that landscaping funds have not been given yet, because the project has not been approved yet. She stated that she has not spoken with Ms. Finnegan, but she did

speak with the previous owners of the property. She said that representatives (project engineer, real estate representative, field representative, and forestry group representative) have been out to the property two or three times to walk the property and discuss the project. Ms. Finnegan stated that they had been to the property but they were very vague and offered nothing in writing. She said that the project has grown since she bought the property. Mr. Beron said that the project was never proposed with monopoles.

Michael Darveau of 9 Stoneridge Drive was sworn in by the stenographer. He stated that he is an abutter and he is also a registered land surveyor. He gave his credentials and asked to submit his resume. Mr. Lacouture questioned whether the Board was recognizing an abutter as an expert witness. Mr. Scarpelli stated that will not recognize him as an expert, but they will listen to his testimony. Mr. Darveau stated that he has not seen any procedure followed in this case. He said that specifics have not been given and that they are designing the project without complete accuracy. He questioned what design data was used. He also questioned whether setback requirements have been met.

Joanne Forti of 6 Stoneridge Drive was sworn in by the stenographer. She said that she has never been contacted by National Grid and that she would like someone to come out and give her specifics of what the impacts to her property will be.

Joseph Cardello of 174 Woonsocket Hill Road was sworn in by the stenographer. He stated that he is a registered professional engineer. He said that the project should be considered by looking at the big picture. He said that monopoles could be used, but that the cost of the project would go way up. The Board and abutters should weigh the benefits of different options. He stated that higher poles might be better for EMF levels. He said that in his opinion, underground lines are not an option. The Chair stated that health and safety are the first priority.

Mr. Scarpelli asked if setback requirements have been met. Mr. Beron and Mr. Benoit said that they are met and variances are not needed. Mr. Pasquariello asked about the inspection process in the construction project. Mr. Beron said that there is rigorous oversight with QA/QC specifications. There are environmental inspectors for soil, sediment, and tree clearing. Best management practices are being followed. He said that despite the implications being made by abutters, the project is very well detailed and designed and strictly engineered according to the national safety code and standards. He said that the structures will be placed within 2'-3' of the design location.

Mr. Marcantonio asked Ms. Neves how many other problem areas she has been contacted about. She said no other major ones. Mr. DiNunzio said that if there are only 3 properties that are being seriously impacted by this project, perhaps there can be something done to mitigate the problems. Mr. Beron said that there is landscape mitigation funding available for fencing, landscaping, and awnings. In some cases poles can be relocated, but there are not a lot of options in this one area. He stated that underground location is not an option, but they will work with them to determine if there is any flexibility in the proposed plans. He said that they will not be able to make the problems go away, but that hopefully they can make it more palatable.

The Chair asked that the National Grid public relations people make contact with the abutters who have spoken about their concerns to get information and document their issues. He asked that they try to

mitigate the problems and have some response by the next hearing date. He asked National Grid to put forth their best effort to mitigate the problems and also asked for specifics on setbacks for each property. Mr. Beron agreed that the requests were reasonable. Ms. Neves said she will set up a follow-up meeting and that since they have already met with them, she has documentation.

Mr. Scarpelli made a motion to continue the hearing to March 12, 2013. Mr. DiNunzio seconded the motion, with all in favor.

The Chair called for a 5-minute recess at 9:48 pm. He called the meeting back to order at 9:53 pm.

7. All Boards and Commissions Summit to be held on Saturday, March 9th--questions, comments and discussion

The Chair asked the Board members if they were planning to attend the town Board and Commissions Summit on March 9, 2013. Mr. Marcantonio, Mr. Martin, Mr. Scarpelli, and the Chair are all planning to attend. Mr. DiNunzio will be out of town that week and will be unable to attend. Mr. Pasquariello said he will try to attend, but he needs to check for schedule conflicts before confirming his attendance.

8. Discussion and review of ZBR Rules and Regulations, with possible vote or other action.

The Chair tabled this discussion until next meeting.

Mr. Scarpelli made a motion to adjourn at 9:55 pm. Mr. Martin seconded the motion, with all in favor.